

Appl. S.N. 10/671,146
Amdt. Dated Dec. 27, 2003
Reply to Office Action of Sept. 28, 2003

134631

REMARKS/ARGUMENTS

This amendment is responsive to the Office Action mailed Sept. 28, 2004 wherein claims 1-29, 35-37 and 41-42 were rejected under 35 USC §103 (a) in view of Laskaris (US 4,924,198 hereinafter "Laskaris '198"); and claims 30-34, 38-40, 43 and 44 were rejected under USC §103 (a) on Laskaris '198 in view of Laskaris (US 5,278,502 hereinafter "Laskaris '502"). In this amendment, no new matter has been added.

Claims 1-44 remain pending in this application. Reconsideration in light of the above amendments and the following remarks is respectfully requested.

Applicants respectfully traverse the rejection of claims 1-29, 35-37 and 41-42 under 35 USC 103(a) over Laskaris '198 in view of Applicants' specification at paragraph 16. Independent claims 1, 20, 28, 35 and 41 each recite a thermal reservoir in thermal contact with a superconducting magnet, where the thermal reservoir has a heat capacity of at least about 0.065 J/gK at 25K. Applicants respectfully submit that the Laskaris '198 reference does not show Applicants' recited thermal reservoir.

It is well-established that in order to show a *prima facie* case of obviousness, there must be suggestion or motivation to combine applied references. Laskaris '198 shows a superconducting magnet that does not require cryogenics for cooling the magnet. However, Laskaris '198 shows a superconducting magnet using resin impregnated coils, a thermal radiation shield surrounding the resin impregnated coils and a heat conductive means. By contrast, Applicants' claimed invention recites a thermal reservoir having the recited heat capacity capability wherein the thermal reservoir is in thermal contact with the superconducting magnet. Applicants interpret the Office Action that the motivation for modifying Laskaris '198 would be to use the insulator 13 of Laskaris '198 with the table at paragraph 16 of Applicants' specification in order to obtain Applicants' recited thermal reservoir. Applicants' recited thermal reservoir is not shown in the Laskaris '198 reference. Further, Applicants respectfully submit that the combination of the insulator 13 of Laskaris '198, the material properties of Applicants' paragraph 16 and the teachings of Laskaris '198 regarding temperature are not reasonably suggested in the Laskaris '198 reference and that the Examiner may be attempting to use Applicants' specification as a guidebook for combining the teachings of Laskaris '198 with Applicants' specification. Applicants respectfully submit that the Examiner has not properly provided a *prima facie* case of obviousness since there is no suggestion in Laskaris '198 to modify the teachings to obtain Applicants' recited invention.

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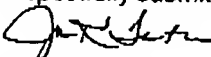
Therefore, Applicants respectfully submit that claims 1-29, 35-37 and 41-42 are allowable and request that the rejections under 35 USC §103 (a) be withdrawn.

Applicants respectfully traverse the rejection of 30-34, 38-40, 43 and 44 under 35 USC 103(a) over Laskaris '198 in view of Applicants' specification and further in view of Laskaris '502. Laskaris '502 does not overcome the deficiencies of Laskaris '198. Nowhere does the Laskaris '502 reference show Applicants' recited thermal reservoir. Therefore, claims 30-34, 38-40, 43 and 44 are patentable over Laskaris '198 and Laskaris '502. Applicants respectfully request the rejection under 35 USC §103(a) be withdrawn.

In view of the foregoing amendment and for the reasons set out above, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

Should the Examiner believe that anything further is needed to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,


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Dec. 27, 2004

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